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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,973	09/08/2004	Gerrit Wolk	016906-0331	8803
22428	7590	01/11/2006	EXAMINER	
FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			FLANIGAN, ALLEN J	
			ART UNIT	PAPER NUMBER
			3753	

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-3 and 5-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Huggins et al. in view of Yamaguch et al. and Iwasaki et al.

Please see the comments made in regard to the rejection of claims 4-7 in the previous Office action. The amendment to claim 1 does not patentably define over Huggins et al. Their offset fins are offset not only in a direction perpendicular to both the air flow and fluid (tube side) flow direction, but are also offset in the tube axis (tube flow) direction as seen in Fig. 3. If these serially disposed corrugated fins 4, 4' were aligned (*i.e.* not offset), the peaks and valleys of these fins would be aligned, and the flat portions of these fins would not be coplanar along one side as shown in Fig. 3. It is not surprising that Huggins terms his fin arrangement "staggered" because they are indeed staggered (offset) in two directions.

Applicant's arguments filed 11/9/2005 have been fully considered but they are not persuasive.

See the comments above regarding Huggins et al. As noted, this reference clearly shows serially disposed fins (relative to the airflow direction) that are offset a slight amount in the direction of the elongate tube axes.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen J. Flanigan whose telephone number is (571) 272-4910. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Mancene can be reached on (571) 272-4930. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Allen J. Flanigan
Primary Examiner
Art Unit 3753

AJF